

OCT 14 2004 001

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Name: <u>Shirley Courey</u>	Signature: <u>Shirley Courey</u>

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Helmut Fennel, et al.

Appln. No.: 09/936,638

Filed: December 12, 2002

For: METHOD FOR DETERMINING
PARAMETERS

Attorney Docket No: 10543-032

Examiner: Andre K. Jackson

Art Unit: 2816

APPLICANT INITIATED INTERVIEW REQUEST FORM

Tentative Participants

(1) Michael N. Spink

(2) _____

(3) _____

(4) _____

Proposed Date of Interview:

Proposed Time:

(AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic(2) ☐ Personal(3) ☐ Video ConferenceExhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

ISSUES TO BE DISCUSSED

Brief Description of Arguments to be Presented:

1. Objection to the term "switching valve". A valve is inherently switched between on and off positions or positions therebetween. Paragraph [0010] of the specification discloses sending a switching signal to the valve. Accordingly, the claims use the term "switching valves" to mean that valves are switched over to generate a pressure build-up. "Switching" is used as a verb.

2. The availability of the Fuhrer, Kahl and Cornell references. The Examiner asserts the priority documents supplied by the Applicants are not translated into English. To the contrary, the '371 filing includes an English translation of the International Application as filed, as clearly indicated on the Transmittal Letter. The Applicants believe that this is

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sufficient to overcome these references but would like to determine if the Examiner is asserting that the original German applications on which the PCT application is based are required to be translated, although Applicant does not believe this is necessary.

3. The finality of the Office Action. The Examiner has only now requested translations of priority documents, but by making the Office Action final, has not given the Applicants any opportunity to provide such documents. Accordingly, the Applicants feel the finality is premature and request withdrawal of the finality of the Office Action in order to provide any translations which the Examiner deems necessary.

4. The Oyama reference. The citation of the graphs in the figures is wholly inadequate to assert that the Oyama reference discloses a pressure build-up within time limits. The specification does not support the same, and any graph of pressure versus time is going to have a maximum pressure in a time range. One embodiment of Oyama actually teaches away from the present invention, and a reference must be considered in its entirety, including portions which teach away, pursuant to MPEP § 2141.02.

(Applicant/Applicant's Representative Signature) (Examiner/SPE Signature)

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